

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/898,758	ZORNES, DAVID A.
	Examiner David A Reifsnyder	Art Unit 1723

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address--*

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to communication filed on July 28, 2003 and Examnier's Interview of September 8, 2003.
2.  The allowed claim(s) is/are 14-21 (re-numbered as claims 1-8).
3.  The drawings filed on 29 June 2001 are accepted by the Examiner.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*
  - c)  None
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

5.  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - (a)  The translation of the foreign language provisional application has been received.
6.  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE**

7.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8.  CORRECTED DRAWINGS must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No. \_\_\_\_\_.
  - (b)  including changes required by the proposed drawing correction filed \_\_\_\_\_, which has been approved by the Examiner.
  - (c)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet.
9.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1 <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 3 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 5 <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449), Paper No. _____. 7 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material	2 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 4 <input checked="" type="checkbox"/> Interview Summary (PTO-413), Paper No. _____. 6 <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9 <input type="checkbox"/> Other
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**EXAMINER'S COMMENT and EXAMINER'S AMENDMENT**

**EXAMINER'S COMMENT**

***Information Disclosure Statement***

The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

***Election/Restrictions***

Applicant's election of Group II, claims 14-21 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claims 1-13 and 22-37 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse.

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ward Brown on September 8, 2003.

The application has been amended as follows:

#### ***In The Title***

The title has been changed from "Magneto Absorbent" to:

---Molecular Separator Apparatus---

#### ***In The Specification***

page 18, line 21; "pending" has been deleted.

page 18, line 22 ; after "1994" ---now abandoned--- has been inserted.

page 18, line 23; "(both incorporated herein by reference)" has been replaced with ---, now abandoned---.

page 19 line 25; ", at 81, " has been replaced with --- . ---

page 19, line 26; "incorporated herein by reference." has been deleted

***In The Claims***

claims 1-13 and 22-37 have been deleted as being drawn to non-elected claims.

claim 14 (re-num 1), line 2; the first "the" (i.e. the "the" directly before composition) has been replaced with ---a---.

***Reasons for Allowance***

The main reason for the allowance of claims 14-21, re-numbered as claims 1-8, is the instantly claimed molecular separator apparatus which uses an electric swing carbon fiber to control desorption of an adsorbate from a composition of matter in the apparatus, the apparatus comprising;

a first vessel within a second vessel, each vessel bonded electrically to the electric swing carbon fiber; a concentric non-electrically conductive seal connectably associated with each of the vessel; and an electric power supply connected to each vessel.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

**Prior Art**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Judkins et al. who discloses an apparatus for electrical swing natural gas adsorption comprising a pressure vessel; an electrically conductive gas adsorption material in the pressure vessel; and an electric power supply connected to said gas adsorption material.

Zones et al. who discloses a heat transfer apparatus that uses an adsorbent material and a working substance (i.e. an adsorbate) to generate a cooling effect, the adsorbent material and working substance being sized such that the working substance is completely adsorbed in the adsorbent, the apparatus comprising first and second interconnected vessels.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David A Reifsnyder whose telephone number is 1-703-308-0456. The examiner can normally be reached on M-F 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda M Walker can be reached on 1-703-308-0457. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 1-703-308-3601.

*David A Reifsnyder*  
David A Reifsnyder  
Primary Examiner  
Art Unit 1723

DAR